



9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG-2012-0452]

RIN 1625-AA08

Special Local Regulation Clearwater Super Boat National  
Championship Race, Gulf of Mexico; Clearwater, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

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SUMMARY: The Coast Guard is establishing special local regulations on the waters of the Gulf of Mexico in the vicinity of Clearwater, Florida during the Clearwater Super Boat National Championship Race. The race is scheduled to take place on Sunday, September 30, 2012 from 10 a.m. to 4 p.m. Approximately 35 boats ranging in length from 24 feet to 50 feet traveling at speeds in excess of 100 miles per hour are expected to participate. Additionally, it is anticipated that 400 spectators will be present along the race course. The special local regulation is necessary to protect the safety of race participants, participant vessels, spectators, and the general public on the navigable waters of the United States during the event. The special local regulation will temporarily restrict

vessel traffic in the waters of the Gulf of Mexico in the vicinity of Clearwater, Florida. The special local regulation will establish the following three areas: a race area, where all persons and vessels, except those persons and vessels participating in the high speed boat races, are prohibited from entering, transiting through, anchoring in, or remaining within; a buffer zone around the race area, where all persons and vessels, except those persons and vessels enforcing the buffer zone, are prohibited from entering, transiting through, anchoring in, or remaining within; and a spectator area, where all vessels must be anchored or operate at No Wake Speed.

DATES: This rule is effective on September 30, 2012 from 9:30 a.m. to 4:30 p.m.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG-2012-0452. To view documents mentioned in this preamble as being available in the docket, go to

<http://www.regulations.gov>, type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this

temporary final rule, call or e-mail Marine Science Technician First Class Nolan L. Ammons, Sector St. Petersburg Prevention Department, Coast Guard; telephone (813) 228-2191, e-mail D07-SMB-Tampa-WWM@uscg.mil. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Table of Acronyms

DHS	Department of Homeland Security
FR	Federal Register
NPRM	Notice of Proposed Rulemaking

#### A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM with respect to this rule because due to the extended time required to address the associated safety concerns of high speed boat races and the need to de-conflict other marine events being held in the area,

additional time was required to coordinate the necessary safety parameters and interagency participation required to adequately patrol the event. As a result, the Coast Guard did not have sufficient time to publish an NPRM and to receive public comments prior to the event. Any delay in the effective date of this rule may result in its failure to be in effect during the event in question and would be contrary to the public interest because immediate action is needed to minimize potential danger to the public during this event.

For the same reason discussed above, under 5 U.S.C. 553(d)(3) the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the Federal Register.

#### B. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish special local regulations: 33 U.S.C. 1233. This rule is to provide for the safety of life on navigable waters of the United States during the Clearwater Super Boat National Championship Race.

#### C. Discussion of Rule

On Sunday, September 30, 2012, Super Boat International Production, Inc. is sponsoring the Clearwater Super Boat National Championship Race, a series of high speed boat races. The races will be held on the waters of the Gulf of Mexico in

Clearwater, Florida. Approximately 35 high speed power boats are anticipated to participate in the races. It is anticipated that approximately 400 spectator vessels will be present during the races.

The rule will establish a special local regulation that will encompass certain waters of the Gulf of Mexico in Clearwater, Florida. The special local regulations will be enforced from 9:30 a.m. until 4:30 p.m. on September 30, 2012. The special local regulations will establish the following three areas: (1) a race area, where all persons and vessels, except those persons and vessels participating in the high speed boat races, are prohibited from entering, transiting through, anchoring in, or remaining within; (2) a buffer zone around the race area, where all persons and vessels, except those persons and vessels enforcing the buffer zone, are prohibited from entering, transiting through, anchoring in, or remaining within; and (3) a spectator area, where all vessels must be anchored or operate at a No Wake Speed.

Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the race area or buffer zone, or spectator area by contacting the Captain of the Port St. Petersburg by telephone at (727) 824-7524, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain

within the race area or buffer zone is granted by the Captain of the Port St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port St. Petersburg or a designated representative. The Coast Guard will provide notice of the special local regulations by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

#### D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes or executive orders.

##### 1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The economic impact of this rule is not significant for the following reasons: (1) the special local regulations will be

enforced for only seven hours; (2) although persons and vessels are prohibited to enter, transit through, anchor in, or remain within the race area and buffer zone without authorization from the Captain of the Port St. Petersburg or a designated representative, they may operate in the surrounding area during the enforcement period; (3) persons and vessels may still enter, transit through, anchor in, or remain within the race area and buffer zone, or anchor in the spectator area, during the enforcement period if authorized by the Captain of the Port St. Petersburg or a designated representative; and (4) the Coast Guard will provide advance notification of the special local regulations to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

## 2. Impact on Small Entities

The Regulatory Flexibility Act (5 U.S.C. 601-612), as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule may affect the following entities, some of which

may be small entities: the owners or operators of vessels intending to enter, transit through, anchor in, or remain within that portion of the Gulf of Mexico in Clearwater, Florida, encompassed within the special local regulations from 9:30 a.m. until 4:30 p.m. on September 30, 2012. For the reasons discussed in the Regulatory Planning and Review section above, namely, the safety zone is only in effect for seven hours and traffic may pass through the zone with the permission of the Captain of the Port or a designated representative, and is free to transit around the zone, therefore this rule will not have a significant economic impact on a substantial number of small entities.

### 3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the FOR FURTHER INFORMATION CONTACT section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business



Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

#### 4. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### 5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

#### 6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the "FOR FURTHER INFORMATION CONTACT" section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or

vessels.

#### 7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### 8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### 9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### 10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule

and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

#### 11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### 12. Energy Effects

This action is not a "significant energy action" under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

#### 13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### 14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively

have a significant effect on the human environment. This rule involves special local regulations issued in conjunction with a regatta or marine parade. This rule is categorically excluded from further review under paragraph (34)(h) and (35)(b) of Figure 2-1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under ADDRESSES. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

#### PART 100--SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

2. Add a temporary § 100.35T07-0452 to read as follows:  
§ 100.35T07-0452 Special Local Regulations, Clearwater Super Boat National Championship Race, Gulf of Mexico; Clearwater, FL.

(a) Regulated Areas. The following regulated areas are established as special local regulations. All coordinates are

North American Datum 1983.

(1) Race Area. All waters of the Gulf of Mexico contained within an imaginary line connecting the following points: starting at Point 1 in position 27°58'38.34"N, 82°50'08.09"W; thence southeast to Point 2 in position 27°58'36.12"N, 82°50'02.70"W; thence north to Point 3 in position 28°00'25.92"N, 82°50'01.26"W; thence northwest to Point 4 in position 28°00'26.76"N, 82°50'07.91"W; thence south back to origin. All persons and vessels, except those persons and vessels participating in the high speed boat race, are prohibited from entering, transiting through, anchoring in, or remaining within the race area.

(2) Buffer Zone. All waters of the Gulf of Mexico encompassed within an imaginary line connecting the following points: starting at Point 1 in position 28°00'35"N, 82°50'14"W; thence southeast to Point 2 in position 28°00'29"N, 82°49'43"W; thence south to Point 3 in position 27°58'21"N, 82°49'52"W; thence northwest to point 4 in position 27°58'30"N, 82°50'13"W; thence north back to origin. All persons and vessels except those persons and vessels enforcing the buffer zone are prohibited from entering, transiting through, anchoring in, or remaining within the buffer zone.

(3) Spectator Area. All waters of Gulf of Mexico excluding the race areas and buffer zone, enclosed around an

area connected by imaginary lines at the following points:  
starting at Point 1 in position 27°58'36.12"N, 82°50'13.61"W;  
thence north to Point 2 in position 28°00'28.14"N,  
82°50'14.27"W; thence northwest to Point 3 in position  
28°00'29.75"N, 82°50'22.57"W; thence south to point 4 in  
position 27°58'35.17"N, 82°50'22.37"W; thence east back to  
origin. All vessels are to be anchored and/or operate at a No  
Wake Speed in the spectator area. On-scene designated  
representatives will direct spectator vessels to the spectator  
area.

(b) Definition. The term "designated representative"  
means Coast Guard Patrol Commanders, including Coast Guard  
coxswains, petty officers, and other officers operating Coast  
Guard vessels, and Federal, state, and local officers designated  
by or assisting the Captain of the Port St. Petersburg in the  
enforcement of the regulated areas.

(c) Regulations.

(1) Persons and vessels may request authorization to  
enter, transit through, anchor in, or remain within the  
regulated areas by contacting the Captain of the Port St.  
Petersburg by telephone at (727) 824-7524, or a designated  
representative via VHF radio on channel 16. If authorization is  
granted by the Captain of the Port St. Petersburg or a  
designated representative, all persons and vessels receiving

such authorization must comply with the instructions of the Captain of the Port St. Petersburg or a designated representative.

(2) The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) Effective Date. This rule is effective from 9:30 a.m. until 4:30 p.m. on September 30, 2012.

Dated: September 12, 2012

S. L. Dickinson  
Captain, U.S. Coast Guard  
Captain of the Port

[FR Doc. 2012-23926 Filed 09/27/2012 at 8:45 am; Publication Date: 09/28/2012]